

To: Clerk,

RE: New Complaint

Please file the enclosed Complaint on behalf of Plaintiff
Quintez Talleu, Pennsylvanians with Mental Illness, and
Minorities of Pennsylvania.

Thank you for your attention to this matter.

Respectfully submitted,

D / June 16, 2022

S/ Quintez Talleu

Quintez Talleu - KT5091
48 Overlook Drive
Lambertville, Pa 15450

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QUINTEZ TALLEY; PENNSYLVANIANS WITH)
MENTAL ILLNESS; and, MINORITIES OF)
PENNSYLVANIA,)
Plaintiffs,)
v.)
COMMONWEALTH OF PENNSYLVANIA; SUPREME COURT OF)
PENNSYLVANIA; CITY OF PHILADELPHIA; DEFENDER'S)
ASSOCIATION OF PHILADELPHIA; COURT OF COMMON PLEAS) CIVIL
OF PHILADELPHIA; DISTRICT ATTORNEY'S OFFICE OF) ACTION
PHILADELPHIA; DISTRICT ATTORNEY SETM WILLIAMS; D.A.) No.
LAWRENCE S. KRASNER; ASSISTANT DISTRICT ATTORNEY)
KENDRA McCRAE; A.D.A. ZACHARY F. MATTIONI; ROBERT)
LISTENBEE; MRS. ELLEN T. GREENLEE; PUBLIC DEFENDER)
JOHN KONCHAK; JUDGE WILLIAM J. MAZZOLA; JUDGE)
GENECE E. BRINKLEY; SUPERIOR COURT OF PENNSYLVANIA;)
JUDGE BOWES; JUDGE STABILE; JUDGE COLINS; COURT OF)
COMMON PLEAS, FAYETTE COUNTY; FAYETTE COUNTY,)
PENNSYLVANIA; FAYETTE COUNTY'S DISTRICT ATTORNEY'S)
OFFICE; A.D.A. SEAN LEMENTOWSKI; ADA WENDY O'BRIEN;)
PRODEN & O'BRIEN, LLC; JUDGE LINDA R. CORDARO; CENTRE)
COUNTY COURTHOUSE; CENTRE COUNTY, PENNSYLVANIA; JUDGE) * JURY
THOMAS KING KISTLER; JONATHAN D. GRINE (JUDGE);;)
PAMELA A. RUEST; BRADLEY P. LUNSFORD; J. MICHAEL) DEMAND
WILLIAMS; ALLEN SINCLAIR; STEVEN LACHMAN; DISTRICT)
ATTORNEY'S OFFICE OF CENTRE COUNTY; CENTRE COUNTY'S)
DEFENDER ASSOCIATION; D.A. STACY PARKS-MILLER; ADA)
LINDSEY CATHERINE FOSTER; ADA DANIEL McKENRICK; CHIEF)
DEFENDER DAVID CROWLEY; PUBLIC DEFENDER CASEY M.)
McCLAIN; PENNSYLVANIA DEPT. OF CORRECTIONS; TAMMY) * CLASS
FERGUSON; LT. WILLIAM FOSTER; CAPT. GLENN IRWIN;)
THOMAS SUCHTA; ROBERT HEWITT; THOMAS GERALD LYKENS;) ACTION
DAVID PATRICK LINK; MICHAEL WORSTELL; MICHAEL)
LEFEBVRE; BENARD KARABINOS; ROBERT WILLIAMSON;)
STEPHEN PROUDFIT; AMY SCHAUP; CAPT. SALVAY; CAPT.)
WILLIAM TQFT; LT. JOSHUA POSKA; LT. FREDRICK ST.)
JOHN; SGT. LOUIS DOBISH; C.O. CHAD HARBAUGH; C.O.)
ROGER ; C.O. ANDREW HIGINBOTHAM; UNKNOWN ADA;)
PENNSYLVANIA STATE POLICE; TPR. ROBERT SCHMID; TPR.)
BRIAN WAKEFIELD; TPR. THOMAS STOCK; HARRISBURGG)
REGIONAL LABORATORY; GABRIEL LLINAS; JEFFREY A.)
WAGNER; PUBLIC DEFENDER MATT JAYNES; DA RICHARD)
BOWER; FAYETTE COUNTY'S DEFENDER ASSOCIATION; and,)
CHIEF DEFENDER OF FAYETTE COUNTY'S DEFENDER ASSO.,)
Defendants.)

COMPLAINT

I. INTRODUCTION

1. This is a case that seeks a redress a statewide system of slavery and involuntary solitude founded upon the Supreme Court of Pennsylvania's ongoing refusal to make reasonable modifications.

to Pa's Rules of Criminal Procedure, which has become the Commonwealth of Pennsylvania's "Great Enabler"; providing a virtual license by which the Commonwealth of Pennsylvania is granted legal authority to transform it's courtrooms - statewide - into "Sanctuary's of Discrimination", where the mass incarceration of Pennsylvania's with Mental Illness ("PMI") has become common place.

2. This, in spite of the SCP having long been placed on notice of how the language used in its promulgation of Pa. R. Crim. P. 568(A)(1)(B) has been - and, will likely continue to be - used as a safeguard, enabling the Commonwealth of Pennsylvania to morph criminal proceedings into "forums of discrimination" - without any impunity!

3. Nonetheless, through its firm stance at the sides of the many federally funded public entities - unabashedly, doubling as fronts for racketeering influenced and corrupt organizations - SCP has made it unambiguously clear where it's interests lie: in the enslavement, for profit and monetary gain, of PMI.

4. Quintez Talley is just one of the millions of PMI's who have found themselves subjected to slavery and involuntary servitude as a result of the conspiratory practices of SCP and the incalculable number of enterprises invested in ensuring that this immensely profitable business of legalized, modern day slavery continues undetered - in spite of its deplorableness!

5. Specifically, between June 6 - 8, 2012, the Commonwealth, by and through the City of Philadelphia, armed with the benefit of a favorable ruling from then- Judge Mazzola, of the Philadelphia Court of Common Pleas, precluding Talley from presenting his mental infirmity and/or insanity defense to the jury, maliciously conspired to prosecute Mr. Talley for conduct that was not an intentional violation of Pa's Crime Code - but, a symptom of his mental infirmity, i.e., a suicide attempt.

6. Compounding this atrocity of discrimination - ten years to the day - is that Mr. Talley has in fact found himself the victim of this EXACT same practice - in the subsequent five (5) criminal indictments that the Commonwealth has brought against Mr. Talley since!

7. First, the Defender Association appointed to represent Mr. Talley stand idly by, absolutely refusing to raise a mental insanity and/ or infirmity defense on his behalf. This compels Mr. Talley to act as his own counsel - just to raise a mental infirmity / insanity defense!

8. Next, Mr. Talley files a notice, pursuant to Pa. R. Crim. P. 568(A)(1)(b), of his intent to raise the defense of insanity and/or mental infirmity; a request which the judge presiding over the proceeding, between the time its filed and when trial commences, ultimately, precludes Mr. Talley from presenting to his trial jury;

9. Notwithstanding Rule 568(B)(1)'s instruction that "the court may exclude entirely any evidence offered by the defendant, EXCEPT TESTIMONY BY THE DEFENDANT," even, "if the defendant [all together] fails

together] fails to file and serve a notice of insanity or mental infirmity defense," Id., the United States Supreme Court has long held that the states have an affirmative obligation to accommodate persons with disability in the administration of justice.

10. Finally, Talley not only finds himself precluded from presenting the very defense that Pa's own Rules of Court makes it unambiguously clear that he cannot be precluded from presenting (i.e., insanity or mental infirmity) - which he's filed a prior notice of his intent to present - but, the Commonwealth stands before these same jury's and profess that Talley's suicide attempt was the most despicable of felonies known to man!

11. These practices have been mastered and expertly executed by masters of their trade, who have made a practice of preying upon the millions of PMI's in the pursuit of monetary gain obtained through a fraudulent scheme that culminates in slavery and involuntary servitude.

12. The Commonwealth of Pennsylvania, through conspiratory deeds carried out amongst or between several other public entities - acting as racketeering influenced and corrupt organizations - has time and again used this "formula for discrimination" to transform criminal proceedings into "forums of discrimination".

13. These acts and omissions, coupled with a feigned ignorance of Title II's mandate to accommodate the disabled in the administration of justice, has resulted in Mr. Talley being subjected to 34-68 years worth of slavery and involuntary servitude, without being provided with an opportunity to be heard at a meaningful time or in a meaningful manner before before being made into a slave.

14. Simply put, there has been a concerted effort amongst all of the persons, public entities, and organizations herein named to make Mr. Talley and countless PMI's the victim of a practice of legalized, modern day slavery; while using "forums of discrimination" to execute - to successful ends - their "formula of discrimination".

15. These practices not only violate the Fourteenth Amendment's "Anti-Slavery Clause" and the RICO Act's white-slavery prohibitions - but countless other federal and state laws!

II. JURISDICTION AND VENUE

16. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343. It also has supplemental jurisdiction to hear Plaintiff's state-law claims under 28 USC § 1337(a).

17. Plaintiffs specifically alleges claims pursuant to the Americans with Disabilities Act ("ADA"), 12132, et seq., the Rehabilitation Act ("RA"), 29 U.S.C. §§ 794(a), et seq., and 42 U.S.C. § 1983.

18. Plaintiff's claims for injunctive relief are authorized by 28 USC Section 2283, 2284, and Rule 65 of the Federal Rules of Civil Procedure.

19. Plaintiffs seek declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202.

20. The Eastern District of Pennsylvania is an appropriate venue under 28 U.S.C. § 1391(b)(1) and (2).

III. PARTIES

21. Plaintiff Quintez Talley was at all times relevant to this Complaint a qualified individual with a disability, i.e., mental infirmity, named as the "defendant" in the Commonwealth's criminal prosecution: ~~Commonwealth of Pennsylvania v. Quintez Talley, No. CP-26-CR-2752-2019~~ (hereinafter "Com v. Talley"), who was maliciously denied the right to offer the defense of insanity and /or mental infirmity, though having, pursuant to Pa. R. Crim. P. 568(a), filed a notice of his intent to offer the defense.

22. Plaintiff Pennsylvanians with Mental Illness ("PMI") represents a class of persons whom could find themselves discriminated against on account of conduct that is not an intentional violation of Pa's Crimes Code, but a symptom of their disability, i.e., mental infirmity, when precluded from offering the defense of insanity or mental infirmity to the jury during a criminal proceeding in one of the Commonwealth's courts of common pleas; ultimately, being denied the benefit of the Commonwealth's courts in its administration of justice.

23. Defendant Commonwealth of Pennsylvania ("Com" or "C.P.") was at all times relevant to this Complaint the state/public entity, [REDACTED]

[REDACTED] not only responsible for the prosecution of Plaintiff Talley (during Com. v. Talley) and PMI, but also the state/public entity responsible for the prosecution of any and all Pennsylvanians charged and tried within the Commonwealth.

24. Defendant Supreme Court of Pennsylvania ("SCP") was at all times relevant to this Complaint responsible for the oversight of , administration, and management of the state courts within the Commonwealth; a duty inclusive of promulgating the Pennsylvania Rules of Court ("civil" and "criminal"), which govern the manner in which things are to be carried out within all of Pennsylvania's state courts.

25. Defendant Court of Common Pleas, Fayette County was at all times relevant to this Complaint the public entity/enterprise responsible for [REDACTED]

1) the administrative and managerial functions within its court, and 2) the employment of Defendant (Judge) Linda R. Cordaro.

26. Defendant Court of Common Pleas of Philadelphia ("CCP") was at all times relevant to this Complaint the public entity /enterprise responsible for the oversight, administration, and managerial functions within its courthouse; a responsibility inclusive of employing Defendant (Judges) William J. Mazzola and Genece E. Brinkley.

27. Defendant Superior Court of Pennsylvania (Super. Pa.") was at all times relevant to this Complaint the public entity/enterprise responsible for the employment of Defendants (Judges) Bowes Stabile, and Colins.

28. Defendant Fayette County, Pennsylvania ("FCP") was at all times relevant to this Complaint the municipality/public entity /enterprise: 1) responsible for the oversight, administration, and management of Defendant Fayette County's District Attorney's Office ("DAO") and Fayette County's Defender Association, and 2) the providing of all finances to Defendants DAO and Fayette County's Defender Association.

29. Defendant Fayette County's District Attorney's Office ("DAO" was at all times relevant to this Complaint responsible for: 10 the employment of Defendants (ADA) Sean Lementowski and Wendy O'Brien, and DA Richard Bower, and 2) the administrative and managerial functions within its office (e.g., policies for hiring training, or supervising its employees).

30. Defendant City of Philadelphia was at all times relevant to this Complaint responsible for: 1) the oversight, management, and administrative functions within Defendants District Attorney's Office of Philadelphia ("DAP") and Defender's Association of Philadelphia ("Def. AP"); a responsibility inclusive of 2) providing funding to Defendants DAP and Def. AP.

31. Defendant District Attorney's Office of Philadelphia was at all times relevant to this Complaint responsible for the employment of (District Attorneys) Seth Williams and Lawrence S. Krasne (ADAs) Kendra McCrae and Zachary F. Mattioni; and, for some time now, Defendant Robert Listenbee.

32. Defendant Defender's Association of Philadelphia was at all times relevant to this Complaint responsible for the employment of (Defender) Mrs. Ellen T. Greenlee, (then-Chief Defender) Robert Listenbee, and (Public Defender) John Konchak.

33. Defendant Proden & O'Brien, LLC ("POB") was at all times relevant to this Complaint the Limited Liability Corporation which Defendant Wendy O'Brien acted both through and on behalf of; possibly as one of its owners and/or original founders, as well.

34. Defendant Fayette County's Defender Association was at all times relevant to this Complaint responsible for the employment of it's Chief Defender and Matt Jaynes.

35. Defendant Harrisburg Regional Laboratory ("HRL") was at all times relevant to this Complaint responsible for the employment of Defendants Gabriel Llinas and Jeffrey Wagner.

36. Defendant Pennsylvania Dept. of Corrections ("DOC") was at all times relevant to this Complaint responsible for the employment of: (Defendants) Tammy Ferguson, Lt. William Foster, Capt. Glenn Irwin, Thomas Suchta, Robert Hewitt, Thomas Gerald Lykens, David Patrick Link, Michael Worstell, Michael Lefebvre, Bernard Karabinos, Robert Williamson, Stephen Proudfit, Amy Becker, Joshua Glessner, CISM Travis Knapp, PSS Amy Schaup, Capt. Salvay, Capt. William Tift, Lt. Joshua Poska, Lt. Frederick St. John, Sgt. Louis Dobish, C.O. Chad Harbuagh, C.O. William Rogers, and C.O. Andrew Higinbotham.

37. Defendant Pennsylvania State Police ("PSP") was at all times relevant to this Complaint responsible for the Employment of ("Troopers") Robert Schmid, Brian Wakefield, and Thomas Stock.

38. Plaintiff Minorities of Pennsylvania ("MP") are a class of person(s), outside of the caucasian race, who, as citizens of the Commonwealth of Pennsylvania, could find themselves criminally prosecuted, in any of the Commonwealth's sixty (67) county's, and subjected to having to select their jury from venires that grossly underrepresent them; specifically, venires comprised of ALL whites.

39. All of the individuals herein named as "defendants" are sued in both their "personal/individual" and "official" capacities.

IV. FACTS

40. During his June 6-8, 2012 Jury trial, resulting from his October 23, 2011 suicide attempt, by way of fire, Plaintiff Talley ("Talley") was precluded from: 1) informing the jury that the incident for which he'd been charged was a suicide attempt, and 2) presenting an insanity or mental infirmity defense, though having previously filed notice of his intent to present said defense [REDACTED] (prior to November 15, 2011).

41. Plaintiff Talley's 6/6-8/2012 jury trial was presided over by Defendant Mazzola; the same judge who'd denied Talley his right to raise an insanity or mental infirmity defense.

42. Defendant Mazzola, as is required of a sitting judge, was well aware of the Pennsylvania Rules of Court; specifically, Pa. R. Crim. P. 568(B)(1), when he entered his order denying Talley the right to present [REDACTED] an insanity or mental infirmity defense to his jury at trial.

43. Pa. R. Crim. P. 568(B)(1) specifically states:

"If the defendant fails to file and serve a notice of insanity or mental infirmity defense, or a notice of expert evidence of a mental condition as required by this rule, the court may exclude entirely any evidence offered by the defendant for the purpose of proving the defense, except testimony by the defendant, may grant a continuance to enable the Commonwealth to investigate such evidence, or may make any other order as the interest of justice require."

44. Accordingly, when Defendant Mazzola entered his order precluding Talley from presenting his insanity and/or mental infirmity defense to Talley's trial jury (on 6/6-8/2012), Defendant Mazzola was more than aware that he has contravening what the Pa. Rules of Criminal Procedure instructed.

45. "Here, despite the Commonwealth's [procedural] commands and the protections they were intended to provide," Geness v. Cpx, 902 F.3d 344, 362 (3d Cir. 2018), e.g., "the right to a forum free of disability discrimination," Id. at 361, Talley was nonetheless denied the benefit of Pa. R. Crim. P. 568(b)(1), and, ultimately, discriminated against on account of his disability, i.e., mental infirmity, when made to relinquish his right to not only give testimony in support of his insanity/mental infirmity defense - but, outright denied the ability to present the defense all together!

46. Noteably, Pa.R.Crim.P. 568(B)(1) is a "procedural protection... designed to...safeguard the fair and efficient functioning of the criminal justice system, and denial of those protections, leading to the unjustified institutional[ization]...of prrsons with disabilities, is a form of discrimination," ~~¶~~ Geness, 902 at 362.

47. Additionally, even prior to Defendant Mazzola's November 15, 2011 ruling, Talley's lead defense attorney, Defendant Konchak, of Defendant Def. AP, never raised - or, consulted with Talley about the possibility of raising - an insanity or mental infirmity defense on Talley's behalf.

48. Defendant Konchak, as well as any of the other public defenders acting on Talley's behalf (e.g., Defendants Listenbee, Mrs. Greenlee, etc.) never raised or filed a notice of the intent to raise an insanity or mental infirmity defense on Talley's behalf during the requisite "pretrial stages", enabling Defendants Mazzola and McCrae to First, relieve on, then, preclude Talley from raising the defense, pursuant to Pa.R.Crim.P. 568(A)(1).

49. Specifically, Pa.R.Crim.P. 568(A)(1) states:

"A defendant who intends to offer at trial the defense of insanity or mental infirmity shall

file with the clerk of courts not later than the time required for filing an omnibus pretrial motion provided in Rule 579 a notice of the intention to offer the defense of insanity or mental infirmity."

50. Pa.R.Crim.P. 579(A) provides that "the omnibus pretrial motion for relief shall be filed and served within 30 days after arraignment, unless opportunity therefor did not exist" e.g., here, wheree Talley could not possibly have filed the notice while being represented by the Def. AP - yet, filed it almost immediately after being granted leave to proceed pro se.

51. Notwithstanding the question of whether or not the notice was filed in accordance to Pa.R.Crim.P. 579 or not, the Pennsylvania Rules of Criminal Procedure makes it unambiguously clear that the most a court MAY do is "exclude entirely any evidence offered by the defendant for the purpose of proving the defense, EXCEPT TESTIMONY BY THE DEFENDANT[1]" Pa.R.Crim.P. 568(B)(1).

52. Accordingly, when a judge in a criminal proceeding conducted within the Commonwealth of Pennsylvania outright denies a criminal defendant from presenting an insanity or mental infirmity defense - wheter or not they file a notice, See Pa.R.Crim.P. 568 (B)(1) - that particular judge has not only acted outside of their jurisdiction, they have outright caused that defendant, i.e., Talley and/or PMI, to be discriminated on account of their disability, i.e., mental infirmity!

53. The language employed by Defendant SCP - a recipient of federal funding - in it's promulgation EXPRESSLY violates the Rehabilitation and Americans with Disabilities Acts mandate to accommodate persons with disabilities in the administration of justice. See Tennessee v. Lane, 541 U.S. 509, 533 (2004)

54. Importantly, during the "omnibus pretrial" motion phase, Talley was being represented by Defendant Def. AP, an organization that was funded by the City of Philadelphia; yet, being operated by Defendants Listenbee and Greenlee.

55. Talley, a Pennsylvania who has NEVER been able to afford the costs associated with obtaining private counsel, has continuously found himself represented by a "Defender Association" (of Pennsylvania) in ALL of his Criminal proceedings.

56. The common theme heard by Talley during and throughout the timeframes that he was being represented by these "associations" is they were so underfunded that they could not possibly be expected to foot the bill for obtaining the evaluation - let alone, opinion - from a certified psychologist!

57. In fact, while being represented by the Defender Association of Centre County, after Talley informed his then- Defense counsel, Defendant McClain, that he 1) wished for Defendant McClain to raise a insanity or mental infirmity defense on his behalf, and 2) that this required for Defendant McClain to obtain Talley's mental health records from the DOC, Defendant McClain came back to Talley and told him that, because his association would not be paying the \$600 fee the DOC was asking to provide them with a copy of those records - this defense would not be raised on Talley's behalf;

58. The situation was so bad, after Talley addressed having been told this by Defendant McClain in open court, Defendant McClain basically talked Talley into entering an appearance on his own behalf (i.e., proceed pro se) - just so Defendant McClain could justify having previously refused to raise the defense!

59. Unsurprisingly, with Talley having been precluded from either informing the jury at his June 6-8, 2012 trial that the conduct ~~for~~ which he'd been charged was a symptom of his mental infirmity, not an intentional violation of the law or even presenting the insanity or mental infirmity defense altogether, on June 8, 2011 Talley was found guilty!

60. After a few postponements, on November November 21, 2013, Defendant Mazzola sentenced Talley to: 3-6 years (for the Arson charge), and two years of probation for the risking a catastrophe, institutional vandalism, and reckless endangerment ("REAP") charges ~~each~~, to run concurrent to with the three (3) to six (6 years on the arson.

61. After a direct appeal, the Pennsylvania Superior Court ("Super. Pa.") reversed the lower court's ruling as to the failure to prevent a catastrophe charge brought against Talley; yet, due to the fact that Talley took a Post Conviction Relief Act ("PCRA" appeal, the action continued.

62. On August 20, 2016, defense attorney, David Rudenstein, who'd been appointed by the Court ~~to~~ to represent Talley during the PCRA phase, filed an amended petition under post-conviction relief act "on Talley's behalf.

63. The gist of Mr. Rudenstein's motion was that, because Talley's defense counsel had failed to raise an insanity or mental infirmity defense on Talley's behalf, Talley was entitled to relief; but, Mr. Rudenstein also requested of the court to provide him with funds to obtain a mental health evaluation of Talley.

64. Noteably, some time in between Mr. Rudenstein's 8/20/16 filing and Defendant Mattioni's June 6, 2019 filing, the lower court had actually entered an order authorizing for Mr. Rudenstein to be provided with the funds he'd need to have a mental health evaluation of Talley conducted; yet, for reasons unknown to Talley, said evaluation was never conducted?

65. On June 6, 2019, inspite of the fact that the PRCA motion previously filed by Mr. Rudenstein on behalf of Talley rightly alleged that Talley: 1) had been represented by counsel at trial and 2) that said counsel failed to raise an insanity or mental infirmity defense on Talley's behalf; M Defendant Mattioni, acting on behalf of the Commonwealth, submitted a document to Defendant Brinkley where he falsely alleged that Talley had NOT been represented by counsel at trial and that Talley had been competent to stand trial;

66. Ironically, by the time that Defendant Mattioni filed this letter to Defendant Brinkley requesting for Talley's PCRA petition to be dismissed, alleging that Talley had NOT been represented by counsel at trial, one of the lawyers who'd represented Talley at trial, Defendant Listenbee, was now not only working for the DAP - he was actually Defendant Mattioni's boss!;

67. Adding insult to injury, while alleging (in his letter to Defendant Brinkley) that Talley had in fact NOT been represented by counsel at trial - Defendant Mattioni EXPRESSLY stated in his letter that Defendant Listenbee - who'd obviously told Defendant Mattioni of the circumstances surrounding Talley's 6/6-8/2011 trial - was standby counsel!

68. In spite of the fact that Talley's motion did not focus on whether he was competent to stand trial, but on the fact that at the time Talley committed the acts he'd ultimately had been charged for, he was acting as a result of his mental infirmity, i.e., a suicide attempt, Defendant Brinkley nonetheless, feigning ignorance to the nature of the arguments made by Talley by way of his PRCA petition - ruled in favor of the Commonwealth!

69. Defendant Brinkley has actually made national news for the manner in which she handled rapper "Meek Mills" case; clearly, Defendant Brinkley's practices are very much so in question.

70. On June 10, 2019 Defendant Brinkley filed a notice of her intent to dismiss Talley's PCRA petition.

71. On July 10, 2019, in spite of Talley's very well grounded amended PCRA petition (filed pro se), Defendant Brinkley, with absolutely no concern for the fact that her - as well as her predecessor (Defendant Mazzola) - were CLEARLY trampling all over Talley's RA and ADA rights with their rulings, dismissed Talley's PCRA petition!

72. On January 21, 2020, with the aid of appointed counsel (Daniel A. Alvarez), Talley appealed his PCRA dismissal to the Super. Pa. This appeal came to be presided over by Defendants Bowes, Stabile, and Colins.

73. Defendants Bowes, Stabile, and Colins, in spite of the fact that Defendant Mattioni's letter to the judge (Defendant Brinkley) hadn't even addressed the substance of Talley's PCRA petition, nonetheless ruled in favor of the Commonwealth! Again, making it abundantly clear that Talley's RA and ADA rights were NOT going to be respected!

74. On October 22, 2020 Mr. Alvarez submitted to the SCP what is known as "petition for allowance of appeal" on Talley's behalf.

75. On March 24, 2021 Defendant SCP, refusing to correct this clear RA and ADA violation, denied Talley's petition - without even providing Talley an opportunity to be heard!

76. It should be noted that at the time Defendant SCP denied Talley's petition, Talley had already placed the SCP on notice of the manner in which the language they'd used in their promulgation of Pa Rules of Criminal Procedure 568 and 579 were being used to install the Commonwealth to enable the Commonwealth to turn criminal proceedings into "forums of discrimination" - by way of another lawsuit!

77. For purposes of this Complaint, Talley (as well as Plaintiff PMI and MP) herein incorporate by reference any and ALL facts set forth in Talley v. Supreme Court of Pennsylvania, No. 17-1632 (M.D. Pa.) (at Doc. 63) and Talley v. Commonwealth of Pennsylvania, No. 21-1208 (W.D. Pa.) (at Doc. 1).

78. Specifically, because the District Court (in Supreme Court of Penn.) dismissed Talley's RICO Act claims in that case without prejudice, Talley ONLY repleads RICO Act claims against the Defendants named in this case that were also named in that case;

79. The same is said as to the defendants in this case that were also named in Commonwealth of Pennsylvania; for, in that case, Talley never raised a RICO act claim. So, he is herein bringing ONLY a RICO act claim against the defendants herein named that were also named in Commonwealth.

V. LEGAL CLAIMS

80. AMERICANS WITH DISABILITIES AND REHABILITATION ACTS
Plaintiff herein brings ADA and RA claims against each and every Defendant to this Complaint who was NOT previously named as a Defendant in the other two lawsuits (cited in paragraphs 78 and 79 above).

81. RACKETEERING INFLUENCED AND CORRUPT ORGANIZATION ACT

Plaintiffs also bring RICO Act claims against all of the herein named defendants [REDACTED]

82. Plaintiffs also bring Fourth, Eighth, Thirteen, and Fourteenth Amendment of the United States Constitutional Claims against ALL the Defendants not named as defendants in Talley's other two lawsuits.

83. Talley brings state law claims for "malicious prosecution" (as to his failure to prevent a catastrophe charge; that was over turned for the Superior Court), against Defendants City of Philadelphia, McCrae, Seth Williams.

VI. RELIEF

84. Plaintiffs seek declaratory, injunctive, punitive, and compensatory relief against all of the herein named defendants.

D/ 6/16/2022

S/ Quintez Talley
Quintez Talley-KT5091
48 Overlook Drive
Labelle, Pa 15450

Inmate Mail
PA Department of Corrections



US POSTAGE "FIRMEY BOWES"
ZIP 15450 \$ 001.76
02 4N
0000354482 JUN 07 2022

Quinter Tallez-K15DA1
48 Overlook Drive
Labelle, Pa 15450

Attn: Clerk's Office
1609 U.S. Courthouse
1601 Market Street
Philadelphia, Pa 19106

